

Senate Bill No. 1438

CHAPTER 173

An act to add and repeal Chapter 1.5 (commencing with Section 120) of Division 1 of the Welfare and Institutions Code, relating to counties.

[Approved by Governor July 16, 1996. Filed with
Secretary of State July 17, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1438, Kelley. County employees: hiring requirements.

Existing law requires that a criminal record be obtained for administrators and staff persons having contact with clients of various types of facilities licensed by the State Department of Social Services.

Certain provisions, which were repealed as of January 1, 1996, permitted Riverside County to require that specified prospective county employees be fingerprinted, and to use the fingerprints to obtain a record of criminal convictions for each prospective employee from an appropriate law enforcement agency. Among other things, those provisions specified conditions under which information obtained by the county could be used in making employment decisions, as specified.

This bill would reenact those provisions which were repealed as of January 1, 1996, but would make the provisions applicable to all counties. The bill would repeal these provisions on January 1, 2001.

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.5 (commencing with Section 120) is added to Division 1 of the Welfare and Institutions Code, to read:

CHAPTER 1.5. COUNTY EMPLOYEES

120. (a) Any county may require that prospective employees described in subdivision (b) be fingerprinted. In addition, a county may use the fingerprints to obtain a record of criminal convictions for prospective employees described in subdivision (b) from an appropriate law enforcement agency.

(b) Subdivision (a) may, at the discretion of the county, apply to any of the following prospective employees:

(1) Those whose job assignments include a risk that, through the actions of the prospective employee, the children or adults for whom the county department is responsible could be harmed.

(2) Those whose job assignments include a risk that, through the actions of the prospective employee, fraudulent payment of public funds could occur.

(c) If a county elects to apply subdivision (a), it shall do so uniformly within every county department and throughout the county.

(d) Notwithstanding subdivision (b), subdivision (a) shall not apply to prospective employees covered by Section 1030 of the Government Code.

121. (a) Information obtained pursuant to Section 120 shall only be used in making employment decisions.

(b) In considering information obtained pursuant to Section 120, the county may use only those criminal convictions that are relevant to the job assignment of the prospective employee.

(c) If a county, in making its employment decision, intends to utilize any information obtained pursuant to Section 120 concerning a criminal conviction of the prospective employee, the county shall give the prospective employee an opportunity to explain the conviction and shall consider that explanation in the evaluation of the criminal conviction record.

122. This chapter shall not be construed as allowing a county to avoid compliance with any requirements of law or regulations.

123. If a county elects to implement this chapter, that county shall, on or before March 31, 1999, report to the appropriate committees of the Legislature on the implementation of this chapter. The report shall include, but not be limited to, all of the following:

(1) The impact upon the protection of children and adults.

(2) The impact upon employee fraud.

(3) The impact upon employment or retention of employees who are members of minority groups.

124. This chapter shall remain in effect only until January 1, 2001, and as of that date is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2001, deletes or extends that date.

